

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cr. No. 21-CR-878 KG

JOHN BENJAMIN THORNTON,

Defendants.

**DEFENDANT’S OBJECTIONS TO THE UNITED STATES’ PROPOSED
EXHIBITS**

JOHN BENJAMIN THORNTON, Defendant, through his attorney, Assistant Federal Public Defender Bernadette Sedillo, hereby respectfully submits his objections to the United States’ proposed Exhibits as follows:

1. Defendant objects to Government Exhibits 25 and 27, which are Mr. Thornton’s Facebook Profile Pictures for his two accounts. The government has already submitted Exhibits 24 and 26, which each have a photo of Mr. Thornton on the Facebook account and thus identity or ownership of the accounts is not in question. Pursuant to Fed. R. Evid. 401, evidence is relevant if (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action. Defendant objects that the profile pictures that the government is seeking to use are irrelevant to the charges against him because the various profile pictures that he used has no bearing on the charges against him whatsoever. The government is

proposing to submit the profile photos in an attempt to unfairly prejudice the jury against Mr. Thornton. Because the profile photos have no probative value, the unfair prejudice to Mr. Thornton warrants exclusion of the exhibits pursuant to Fed. R. Evid. 403. Defendant further submits that the exhibits are cumulative, and a waste of time.

2. Defendant filed a Motion in Limine to Exclude Evidence Relating to Parenting Issues asking to exclude Government's proposed Exhibit 31 (Doc. 69). A ruling on this motion has not yet been made.

3. Defendant does not object to the Government's remaining proposed exhibits assuming the Government lays a proper foundation for their admission.

Respectfully submitted,

FEDERAL PUBLIC DEFENDER
506 S. Main, Suite 400
Las Cruces, New Mexico 88001
(575) 527-6930

Electronically filed October 27, 2021

By: /s/ Bernadette Sedillo

BERNADETTE SEDILLO

Assistant Federal Public Defender

I hereby certify that a true copy of the foregoing pleading was filed using the CM/ECF system, which provides notice to all parties of record.

Electronically filed October 27, 2021

By: /s/ Bernadette Sedillo

BERNADETTE SEDILLO

Assistant Federal Public Defender